

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 5, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #04006, Barons Ridge 1st Addition

PROPOSAL: To develop 18 dwelling units and 11,800 square feet of office floor area.

LOCATION: Generally located southwest of Barons Road and NW 1st Street.

WAIVER REQUEST:

Reduce the rear yard setback from 40' to 30'

Reduce the side yard setback from 15' to 7.5'

Reduce the required frontage from 50' to 25'

Lot depth to width ratio

Allow sanitary sewer to flow opposite street grade (at the south end of W. Pemberly Lane)

Switch the location of the water and sewer mains

Waive the preliminary plat process

LAND AREA: 4.5 acres, more or less.

CONCLUSION: With conditions, the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<u>RECOMMENDATION:</u>	Conditional Approval
Reduce the rear yard setback from 40' to 30'	Approval
Reduce the side yard setback from 15' to 7.5'	Approval
Reduce the required frontage from 50' to 25'	Approval
Lot depth to width ratio	Approval
Allow sanitary sewer to flow opposite street grade	Approval
Switch the location of the water and sewer mains	Approval
Waive the preliminary plat process	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: O-3, Office Park.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Residential, office	O-3, Office Park, R-3, Residential
South:	Industrial	I-2
East:	Undeveloped	O-3
West:	Residential	R-3

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as commercial in the Comprehensive Plan (F-25)

Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F-22)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Require new development to be compatible with character of neighborhood and adjacent uses (F-69).

HISTORY: This area was zoned O-3 Office Park during the Highlands update in 1993.

UTILITIES: Utilities are available to the site.

TRAFFIC ANALYSIS: NW 1st Street and W. Highland Boulevard are classified as urban minor arterial streets.

The site plan indicates new access points on each NW 1st Street and W. Highland Boulevard. The Public Works and Utilities Department indicated these are not acceptable. When the area was preliminary platted, this lot relinquished access to the major streets

and accommodations were made to allow the lot to take combined access to NW 1st Street, as was shown in Baron's Ridge Addition to the north.

REGIONAL ISSUES: The change from office use to residential use reduces the amount of available office space in the area. However, it appears that sufficient office space is available in the Technology Park and in Fallbrook, nearby.

ANALYSIS:

1. This is a request to develop 18 single family attached dwelling units and 11,800 square foot of office. The developer requests waivers to side and rear yard setbacks, minimum frontage of residential lots, to allow sanitary sewer to flow opposite street grades and to coordinate the preliminary plat with the use permit.
2. The waivers table has not been updated to indicate the waivers as requested in the letter of request. The waivers table must be updated to correctly indicate the waivers requested.
3. The site plan indicates more parking stalls than required. The residential area shows stalls provided for each dwelling unit in conformance with parking standards. The office area indicates 55 stalls which is 15 greater than required. The site plan also indicates several on street parking areas.
4. The drive-through access for the financial/office building is oriented toward the rear of the residential lots. This may create noise and light pollution for these lots. Staff prefers the drive-through be oriented away from the residential lots, however, there is 60' separation between the two uses and extensive landscaping is provided. Staff believes this will mitigate the orientation issues.
5. Staff is concerned that separate homeowners associations between this area and the area to the north could cause problems with the maintenance of the private roads. Staff prefers that there be one homeowners association for both use permits for the maintenance of the road, however, understands this may not be possible.
6. The Public Works and Utilities Department had several comments, several of which are related to the requested drive accesses to NW 1st Street and W. Highland Boulevard. An alternative internal street layout is to move the private drive shown to the south of the residential lots and office lots north to line up with the access drive to NW. 1st Street. This would provide more efficient internal circulation and eliminate the need for the southern drive to NW. 1st Street and possible the drive to W. Highland Boulevard. The Public Works and Utilities Department indicated the

request to allow sanitary sewer to flow opposite street grades was acceptable provided that the minimum and or maximum depths are not violated.

7. The sanitary sewer and water mains are switched so they match services from the north of this property.
8. Generally speaking, single-family attached units create less peak hour traffic than office. Therefore the proposed use will generate less peak hour traffic than if the site would develop into entirely office uses.
9. The O-3 district requires minimum open space per dwelling unit. Each lot provides well in excess of the required open space. Each lot requires approximately 125 square feet, the proposed residential lot layout indicates in excess of ten times this requirement.
10. The landscape plan shows screening in excess of the O-3 requirement, several evergreen trees screen the office from the rear of the residential uses.
11. Single family attached units, office, financial and medical (Medical supply shops and pharmacies) buildings are permitted uses in the O-3 district. Health care facilities would require a separate special permit and are not included in the designation of "medical building". The single family attached provide additional transition to the proposed office buildings and are consistent with the Comprehensive Plan.
12. The residential lots are configured in the same manner as the residential to the north of this proposal. This development is an extension of the previously approved residential/office to the north.
13. The requested waivers of side and rear setback are acceptable to planning staff because it closely resembles the setbacks in the adjacent R-3 district. The side and rear yard setbacks are actually greater than the minimum required setbacks of the R-3 district. The reduction of minimum frontage from 50' to 25' is acceptable because it is consistent with single family attached units. The R-3 district requires a average lot width of 40' per family of single family attached units. Most of the residential lots in this use permit are 36', however, many community unit plans modify this requirement when developing single-family attached units and thus, the request is consistent with many single-family attached developments in community unit plans.
14. The coordination of the preliminary plat with use permits is common and still provides the same information for review. All required and necessary information is provided through the use permit, and no less than the preliminary plat requirements are submitted with the use permit request.

15. The Lincoln Airport Authority indicated this area is within a turning zone of the Airport Environs District. A note should be added to the site plan indicating this area is within the Airport Environs District and all requirements of LMC 27.59.060 must be met.
16. The Lincoln Electric System indicated they need additional utility easements.
17. The Lincoln Lancaster County Health Department made one advisory comment indicated in their attached memo.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 Make revisions to the satisfaction of the Parks and Recreation Department memo dated December 15, 2004.
 - 1.1.2 Indicate W. Pemberly Lane as a private roadway on the site plan.
 - 1.1.3 Show the correct waivers in the Waivers Table.
 - 1.1.4 Make revisions to the satisfaction of the Public Works and Utilities Department memo dated December 22, 2004.
 - 1.1.5 Show sidewalk connection along north drive to NW 1st Street.
 - 1.1.6 Show utility easements as requested by the LES memo.
 - 1.1.7 Label all additional sidewalks.
2. This approval permits 18 dwelling units and 11,800 square feet of office with variances to sanitary sewer design standards and modification of the side yard setback from 15' to 7.5' and rear yard setback from 40' to 30', reduce the required frontage of single-family attached lots from 50' to 25', switch the location of the water and sewer mains, and to waive the requirement of a separate preliminary plat.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
- 3.2 The permittee shall grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
- 3.3 The construction plans shall comply with the approved plans.
- 3.4 Final Plats will be approved by the Planning Director after:
 - 3.4.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - to complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - to complete the installation of sidewalks along both sides of all interior private roadways and streets abutting the use permit as shown on the final plat within four (4) years following the approval of this final plat.
 - to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
 - to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
 - to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.

to complete the installation of public and private street lights along the streets within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along the streets within this plat within four (4) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the Use Permit.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous

association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Outlot A to NW 1st Street.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units and office buildings all development and construction shall have been completed in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

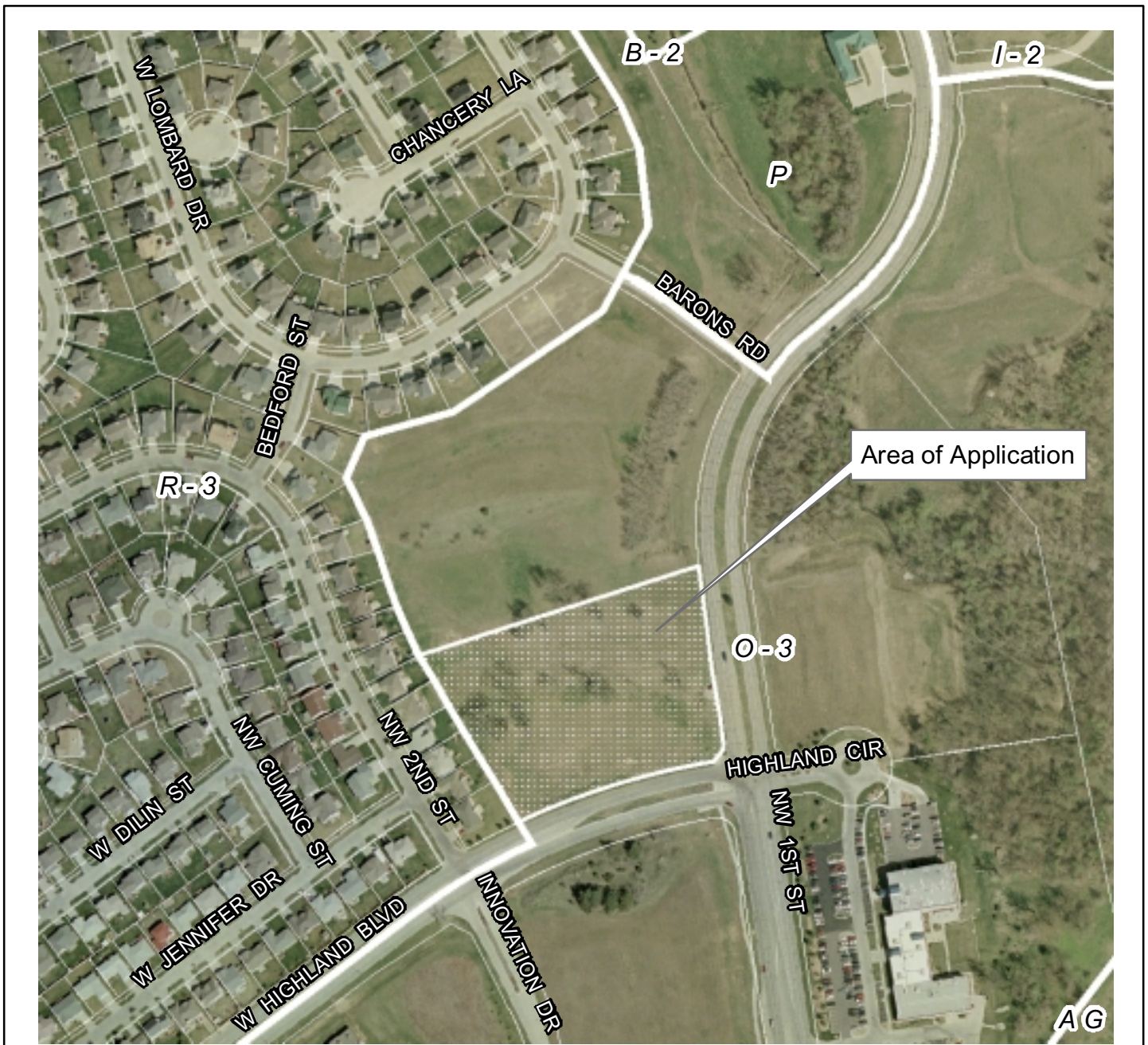
Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: December 22, 2004

APPLICANT: Brian D. Carstens
Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
(402)434-2424

OWNER: Southview Inc. and Highlands East Limited Partnership
8020 O Street
Lincoln, NE 68510
(402)436-3111

CONTACT: Brian D. Carstens
(402)434-2424



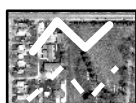
2002 aerial

Use Permit #04006 NW 1st and West Highland Blvd.

Zoning:

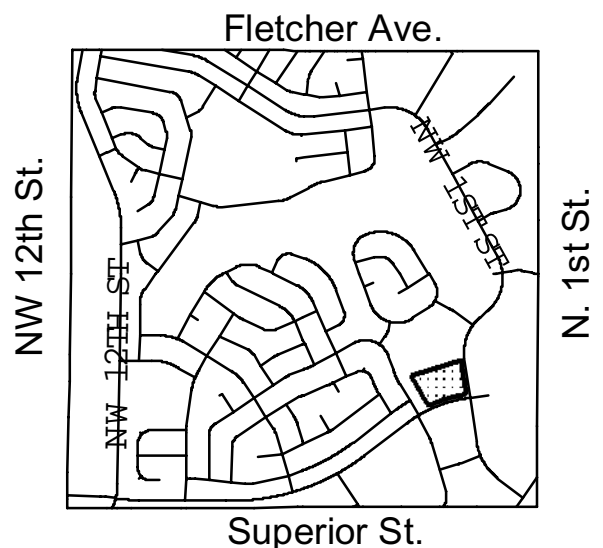
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 03 T10N R6E



Zoning Jurisdiction Lines

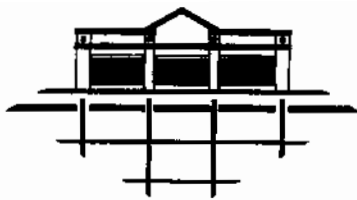
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

1

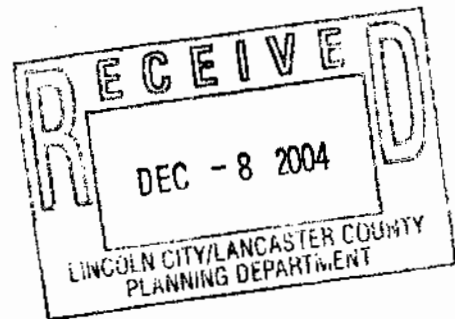
BARONS RIDGE 1ST ADDITION



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 6, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: BARONS RIDGE 1ST ADDITION- USE PERMIT
NORTHWEST 1ST STREET & WEST HIGHLAND BOULEVARD

Dear Marvin,

On behalf of Southview Inc. and Highlands East Limited Partnership, we submit the following use permit for your review. Barons Ridge 1st Addition is located at the Northwest corner of Northwest 1st Street and West Highland Boulevard in the Highlands. The site contains approximately 4.5 acres and is currently zoned 'O-3'. This site is also immediately south of proposed Barons Ridge development, recently approved by the Planning Commission.

We are proposing a mix of 18 single family attached units (9 buildings), one 7,800 square foot office/medical building and a 4,000 square foot financial/office building. A private roadway will provide continuous vehicular circulation from the site to the north through the proposed site. Public water and sanitary sewer are proposed with this development.

We are requesting the following waivers to the zoning ordinance;

1. Waiver of the rear yard setback from 40 feet to 30 feet. The proposed 30' setback is similar to the rear yard setback on the existing R-3 developed land to the west.
2. Waiver of the side yard setback from 15 feet to 7.5 feet. The proposed setback of 7.5 feet is larger than the adjacent 'R-3' developed area to the west.
3. Waiver of lot depth to width ratio of 3 /1 to 3.6/1. This waiver is common with projects of this nature.
4. Waiver of the required frontage from 50 feet to 25'. Some of the lots are located on a curve and their front property line is smaller than the rear property line.
5. Waiver of the sanitary sewer running against street grade, at the south end of West Pemberly Lane.
6. Water line on the west side and sanitary sewer line on the east side of West Pemberly Lane to match with services from north of the property.

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No other waivers are requested at this time. Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc: Jeff Johnson, John Schleich

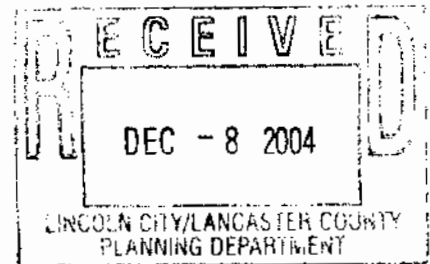
Enclosures: 24 copies of sheet 1 of 4
8 copies of sheets 2 thru 4 of 4
Application for a Use Permit
Application Fees of \$740.00
Certificate of Ownership
8-1/2" x 11" reductions of the plans



ORDER NO. 200400765IN

OWNERSHIP CERTIFICATE

TO: Brian Carstens
Brian D. Carstens and Associates
601 Old Cheney Road, Ste C
Lincoln, NE 68512



INVESTORS TITLE OF NEBRASKA, LLC, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 580, hereby certifies that the records of Lancaster County, Nebraska have been carefully examined with reference to the Owner of Record of the following described real estate, and from such examination finds as follows:

LEGAL DESCRIPTION:

Lot 2, Highlands East 8th Addition, Lincoln, Lancaster County, Nebraska (Parcel 1)

The right-of-way stub on the west side of N.W. 1st Street, north of Highlands Blvd., Lincoln, Lancaster County, Nebraska legally described as:

Commencing at the southwest corner of Outlot "B", Highlands East Addition, said point being the southeast corner of Lot 1, Block 4, Highlands East Addition; thence around a curve in a clockwise direction having a delta angle of 15 degrees 56 minutes 37 seconds, an arch distance of 414.96 feet, radius of 1491.21 feet, and a chord of an assumed bearing of north 72 degrees 36 minutes 27 seconds east, along the south line of said Outlot "B", a distance of 413.62 feet; thence north 36 degrees 47 minutes 03 seconds east along the southeasterly line of said Outlot "B", a distance of 34.28 feet; thence north 8 degrees 04 minutes 02 seconds west along the east line of said Outlot "B", a distance of 66.00 feet to the point of beginning; thence north 36 degrees 58 minutes 55 seconds west, a distance of 22.74 feet; thence south 81 degrees 22 minutes 40 seconds west, a distance of 35.30 feet; thence north 8 degrees 31 minutes 20 seconds west a distance of 60.00 feet; thence north 81 degrees 28 minutes 40 seconds east, a distance of 34.95 feet; thence north 20 degrees 24 minutes 57 seconds east, a distance of 23.08 feet; thence south 8 degrees 31 minutes 52 seconds east, a distance of 100.19 feet to the point of beginning; as vacated by Ordinance No. 17098, passed by the City Council on November 25, 1996. (Parcel 2)

OWNERS OF RECORD:

Southview Inc., by merger with Highlands Development Corporation, a Nebraska Corporation, filed June 19, 1996, and Ridge Development Company, a Nebraska corporation (Parcel 1)

Highlands East Limited Partnership, a Nebraska Limited Partnership (Parcel 2)

NOTE: A Certificate of Cancellation was filed on August 29, 2003 with the Nebraska Secretary of State's Office on Highlands East Limited Partnership, a Nebraska Limited Partnership

INTER-DEPARTMENT COMMUNICATION



DATE: December 15, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 48N-1W

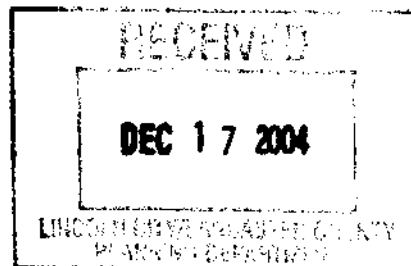
Ref. U.P. #04006

Attached is the Use Permit for Barons Ridge 1st Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: December 15, 2004

Re: Baron's Ridge

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. All outlot areas to be maintained by the developer and/or future homeowner's association.
2. Change Summit Ash to 'Marshall's Seedless' Ash.
3. Recreational needs of the development are adequately served by Highlands Park and Highlands Park South.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: December 20, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Barons Ridge 1st
Addition
UP #04006

EH Administration

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Barons Ridge 1 st Addition Use Permit #04006
Date:	December 17, 2004
cc:	Randy Hoskins

Engineering Services has reviewed the resubmitted use permit for Barons Ridge 1st Addition, located west of Northwest 1st Street and north of Highlands Boulevard, and has the following comments:

- **Sanitary Sewer** - The following comments need to be addressed.
 - (1.1) Public Works approves the requested waiver to construct sanitary sewer on the east side of Pemberly Lane.
 - (1.2) A 30' wide easement needs to be shown for the sanitary sewer that is shown at the south end of the site from Pemberly to Northwest 1st Street.
- **Water Mains** - The water system is satisfactory.
 - (2.1) Public Works approves the requested waiver to construct water mains on the west side of Pemberly Lane.
- **Grading/Drainage** - The following comments need to be addressed.
 - (3.1) Detention for this area was provided for with projects associated with Lynn Creek improvements.
 - (3.2) Pipe sizing calculations for the minor and major storms need to be provided to the satisfaction of Public Works. Also, the 100 year storm route needs to be shown on the plans and any required minimum opening/floor elevations need to be provided.
- **Streets** - The following comments need to be addressed.

(4.1) The Highlands 8th Addition Final Plat relinquished access to Highlands

Boulevard and Northwest 1st Street except for the common access drive at the north property line of this plat. The common access drive is sufficient to provide access to the commercial uses in both this plat and the Barons Ridge plat to the north. The plans need to be revised to eliminate the southern most drive access to Northwest 1st Street. As a condition of approval, this development should be required to remove the existing driveway and reconstruct curb and gutter. Also, Public Works opposes the access to Highlands Boulevard from Pemberly Lane given the close proximity to the Northwest 1st and Highlands Boulevard intersection and Northwest 2nd and Highlands Boulevard intersection. However if access is granted at this location, a right turn lane needs to be shown in Highlands Boulevard onto Pemberly Lane and additional right-of-way to construct it all at the owners expense.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.